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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,178	01/16/2004	Hirotake Nozaki	118246	7250
25944 7590 06/17/2009 OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
EXAMINER				
CUTLER, ALBERT H				
ART UNIT		PAPER NUMBER		
2622				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/758,178

Applicant(s)

NOZAKI ET AL.

Examiner

ALBERT H. CUTLER

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) 2 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is responsive to communication filed on April 22, 2009. Claims 1-4 are pending in the application. Claim 2 has been withdrawn as being directed to a non-elected species. Claims 1, 3 and 4 have been examined by the Examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 22, 2009 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 3 and 4 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant has requested rejoinder of all claims directed to non-elected species by virtue of their dependency from the independent claims. Currently all claims are not in condition for allowance, and MPEP § 821.04 states:

"The propriety of a restriction requirement should be reconsidered when all the claims directed to the elected invention are in condition for allowance, and the nonelected invention(s) should be considered for rejoinder."

5. Withdrawn claims will not be considered for rejoinder at this time.

Claim Objections

6. Any objections previously made to the claims by the Examiner are hereby removed in view of Applicant's response.

Claim Rejections - 35 USC § 112

7. Any rejections of the claims under 35 U.S.C. 112 previously made by the Examiner are hereby removed in view of Applicant's response.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claims 1, 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morimoto et al. (US 6,774,935) in view of Kuno (US 6,067,624).

Consider claim 1, Morimoto et al. teaches:

A digital camera system (figure 7) comprising:

a first digital camera (1); and

a second digital camera (1'); and

the first digital camera (1) comprising:

a first input/output device (213, figure 4) that sends/receives data to and from the second digital camera (column 6, lines 12-15, column 6, line 62 through column 7, line 44);

a first plurality of operating devices (250, column 6, lines 27-31);

a first detector (211) that detects an operation of any of the first plurality of operating devices (column 6, lines 27-55); and

a second controller (211) controlling the first digital camera (1) based upon an operation any of the first plurality of operating devices (250, figure 4, column 6, lines 27-31); and

the second digital camera (1') comprising (The second digital camera is the same as the first digital camera. See figure 7, column 7, line 57 through column 11, line 45. As figure 4 shows the control system of the first digital camera (1), this is the same as the control system of the second digital camera (1'), since both cameras have the same features.):

a second input/output device (213, figure 4) that sends/receives data to and from the first digital camera (column 6, lines 12-15, column 6, line 62 through column 7, line 44);

a second plurality of operating devices (250, column 6, lines 27-31);

a second detector (211) that detects an operation of any of the second plurality of operating devices (column 6, lines 27-55);

a judgment device (211) that judges which detection result was first detected, a detection result of the second detector or a detection result of the first detector input via the second input/output device, and a first controller (211) that controls the first digital camera based upon an operation of any of the second plurality of operating devices when the judgment device judges that the detection result of the second detector was detected prior to the detection result of the first detector (See figure 8, column 7, line 45 through column 8, line 13, column 6, lines 36-38. A master camera mode can be selected by either camera, thus making the other camera a slave camera. When the plurality of operating devices (250) including UP switch (6), DOWN switch (7) and shutter button (9) are used to select the master camera mode, the current camera is set as the master camera. The controller (211) of this camera is then used to control the slave camera, column 6, lines 36-38. Therefore, if the second camera (1') chooses the master camera mode first, the first camera (1) will become the slave, and will be controlled by the controller (211) of the second camera (1'). See also column 8, line 40 through column 9, line 42.);

However, Morimoto et al. does not explicitly teach that when the first digital camera detects the instruction from the first controller while the first digital camera is controlled by the second controller, the first digital camera stores the instruction from the first controller and only executes the instruction from the first controller after completion of the control of the first digital camera by the second controller.

Kuno similarly teaches a camera (11, 11a, figure 1) controlled by a first controller (13a) and a second controller (13b), column 3, lines 32-42.

However, in addition to the teachings of Morimoto et al., Kuno teaches that when the digital camera detects an instruction from the first controller while the digital camera is controlled by the second controller, the first digital camera stores the instruction from the first controller and only executes the instruction from the first controller after completion of the control of the digital camera by the second controller (See figure 5, column 4, line 66 through column 6, line 24. If the digital camera receives an instruction for camera control from the first controller (S1, figure 5), then the instruction is added to a queue (S9). Once the control by the second controller is completed (i.e. the first controller is now at the top of the cue, "yes", S3 and S6), the previously sent control message from the first controller is passed to the camera control unit where it is implemented (S7, figure 5).).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to execute control instructions received by the first controller taught by Morimoto et al. after completion of control by the second controller as taught by Kuno for the benefit of appropriately managing control privileges of the digital camera and thus preventing operational conflicts (Kuno, column 1, lines 23-28).

Consider claim 3, and as applied to claim 1 above, Morimoto et al. further teach:

the second controller (211) is prohibited from controlling the first digital camera (1) while the first digital camera (1) is being controlled by the first controller (See column 8, lines 8-13, S201 figure 17).

Consider claim 4, and as applied to claim 1 above, Morimoto et al. further teach:

the first controller (211) is prohibited from controlling the first digital camera (1) while the first digital camera (1) is being controlled by the second controller (See column 8, lines 8-13, S201 figure 17. If the first camera (1) is the master camera, then the controller of the second camera (1') is prohibited from controlling the first camera.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AC

/Sinh Tran/
Supervisory Patent Examiner, Art Unit 2622